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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,464	12/12/2001	Ronald P. Sansone	F-432	4609

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EXAMINER

BADII, BEHRANG

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/015,464		SANSONE, RONALD P.	
	Examiner		Art Unit	
	Behrang Badii		3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/29/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed 4/25/05 have been fully considered but they are not persuasive. The prior art disclosed addresses the applicant's argument. The arguments of the applicant are discussed in the body of the rejection.

The double patenting rejections against application 10/015309 and U.S. patent 6,754,366 are withdrawn. However the double patenting rejection against application 10/015469, 09/683380 and 09/683381 are included due to the fact that no terminal disclaimer concerning these double patenting rejections were received from the applicant.

DETAILED ACTION

Claims 1-22 have been examined.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4, 6-18 rejected under 35 U.S.C. 102(e) as being anticipated by Alden, U.S. patent application publication 2003/0072469.

As per claim 1, Alden discloses an incoming mail monitoring system, said system comprises (abstract);

a data base that stores unique information contained in a postal indicia affixed to mail (The system discloses a database for storing digitized images of hard copy mail (including the postal indicia)) (abstract, paragraph 17, fig's. 3-9);

a plurality of recipient addressee units that reads and stores the unique information contained on the mail in the postal indicia after the mail has been delivered to the recipient (abstract, paragraph 17, fig's. 3-9); and

a data center that receives information stored by the data base and the recipient's units to identify the mailer to the recipient and assess the possibility of the presence of life-harming material in the mail (abstract, paragraph 17, fig's. 3-9).

As per claim 2, Alden discloses wherein the data base stores information (abstract, paragraph 17, fig's. 3-9).

As per claim 4, Alden discloses wherein the data center correlates the recipient address of the mail with unique information contained in the postal indicia (correlating information with information) (abstract, paragraph 17, fig's. 3-9).

As per claim 6, Alden discloses wherein the data base stores a unique code contained in a label (storing information in the database) (abstract, paragraph 17, fig's. 3-9).

As per claim 7, Alden discloses wherein the recipient units include a scanner that reads postal indicia that is affixed to mail (scanner that reads data) (abstract, paragraph 17, fig's. 3-9).

As per claim 8, Alden discloses wherein the scanner captures and interprets the information contained in the postal indicia (scanner scans and interprets information) (abstract, paragraph 17, fig's. 3-9).

As per claim 9, Alden discloses wherein the recipient units include a scanner that reads a unique code that is contained in a stamp that is affixed to mail (scanner that scans information) (abstract, paragraph 17, fig's. 3-9).

As per claim 10, Alden discloses wherein the recipient units include a scanner that reads a unique code that is contained in a label that is affixed to mail (scanner that scans information) (abstract, paragraph 17, fig's. 3-9).

As per claim 11, Alden discloses a plurality of receptacles that reads, stores and communicates to the data center unique information appearing on mail (communication of data between respected parties) (abstract, paragraph 17, fig's. 3-9).

As per claim 12, Alden discloses wherein the unique information appearing on mail is stored in the data base (storing information in the data base) (abstract, paragraph 17, fig's. 3-9).

As per claim 13, Alden discloses wherein the scanner is located in a control chamber (scanner located in chamber) (abstract, paragraph 17, fig's. 3-9).

As per claim 14, Alden discloses wherein the control chamber has a locked door for isolating suspect mail (door for separating mail (paper, package)) (abstract, paragraph 17, fig's. 3-9).

As per claim 15, Alden discloses an inner chamber that receives mail from the control chamber that is not suspected of having life harming material (separating mail (paper, package)) (abstract, paragraph 17, fig's. 3-9).

As per claim 16, Alden discloses a locked door in which when open mail may be removed from the inner chamber (separating mail (paper, package)) (abstract, paragraph 17, fig's. 3-9).

As per claim 17, Alden discloses a slot for depositing mail into the control chamber (abstract, paragraph 17, fig's. 3-9).

As per claim 18, Alden discloses means for closing the slot when the mail in the control chamber is suspected of containing life harming substances (separating mail (paper, package)) (abstract, paragraph 17, fig's. 3-9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alden, U.S. patent application publication 2003/0072469 as applied to claim 1 above, and further in view of Bobrow et al., U.S. patent application publication 2002/0079371.

Alden discloses an incoming mail monitoring system as described above. Alden does not disclose a mailer's unit that communicates with the data base and stores in the data base the **time** and **date** that the postal indicia was affixed to the mail (storing time and date). Bobrow et al. discloses a mailer's unit that communicates with the data base and stores in the data base the **time** and **date** that the postal indicia was affixed to the

mail (storing time and date) (paragraph 133, fig's. 2 & 4). It would have been obvious to modify Alden to include **time** and **date** such as that taught by Bobrow et al. in order to use more specific tools in the process of identifying a certain piece of mail.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alden, U.S. patent application publication 2003/0072469 as applied to claim 1 above, and further in view of Rangan et al., U.S. patent application publication 2005/0034055.

Alden discloses a mail monitoring system as described above..

Alden does not disclose storing a unique code contained in a stamp (storing information (unique?)). Rangan et al. discloses storing a unique code contained in a stamp (storing information (unique?)) (paragraph 91). It would have been obvious to modify Alden to include unique code such as that taught by Rangan et al. in order to hide the true meaning of the information discloses.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alden, U.S. patent application publication 2003/0072469 as applied to claim 1 above, and further in view of Bookner, U.S. patent 6,842, 742. Alden discloses a mail monitoring system as described above. Alden does not disclose electronic (digital) postage meter units. Bookner discloses electronic (digital) postage meter units (col.2, 5-16). It would have been obvious to modify Alden to include electronic (digital) postage meter units such as that taught by Bookner in order to precisely measure the postage of the mail to categorize each mail accordingly.

Claim 20-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Alden, U.S. patent application publication 2003/0072469 as applied to claim 1 above, and

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further in view of Ananda, U.S. patent 6,385,731. Alden discloses a mail monitoring system as described above. Alden does not disclose personal computer meters, postal indicia containing a security code or security code being obtained from a recipient address field on the mail and information contained in a postage meter that affixed the postal indicia to the mail. Ananda discloses personal computer meters (col.26, 49-61), postal indicia containing a security code (col.21, 27-45 & 52-67; col.22, 45-60; col.27, 65-67; col.28, 1-7) and security code being obtained from a recipient address field on the mail and information contained in a postage meter that affixed the postal indicia to the mail (col.21, 27-45 & 52-67; col.22, 45-60; col.27, 65-67; col.28, 1-7). It would have been obvious to modify Alden to include personal computer meters, postal indicia containing a security code or security code being obtained from a recipient address field on the mail and information contained in a postage meter that affixed the postal indicia to the mail such as that taught by Ananda in order to categorize each piece of mail according to the information that corresponds to each piece of mail.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Omum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 3-16 of copending Application No. 10/015469. Although the conflicting claims are not identical, they are not patentably distinct from each other because all three disclose a mail monitoring system, said system comprises:

- a data base that stores unique information affixed to mail;
- a plurality of receptacles that reads and stores the unique information contained in the postal indicia before the mail enters the interior of the receptacle; and
- a data center that receives information stored by the mailers' units and the receptacles to identify the mailer and assess the possibility of the presence of life-harming material in the mail.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application No. 09/683380 and over claims 1-8 of copending Application 09/683381. Although the conflicting claims are not identical, they are not patentably distinct from each other because all three disclose a mail monitoring system, said system comprises:

- a data base that stores unique information affixed to mail;

a plurality of receptacles that reads and stores the unique information contained in the postal indicia before the mail enters the interior of the receptacle; and

a data center that receives information stored by the mailers' units and the receptacles to identify the mailer and assess the possibility of the presence of life-harming material in the mail.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 571-272-6879. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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or faxed to (703)872-9306

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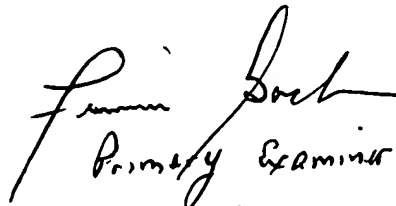
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is **(703) 306-5771**.

Behrang Badii
Patent Examiner
Art Unit 3621

BB


Primary Examiner
3621